HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition no. 870(M/B) 2006

1. Haider Ali @ Bittu S/o Mohd. Hanif,
2. Liyakat @ Chota S/o Mohd. Hanif,
3. Arif S/o Irshad,
4. Mubarik S/o Makhbool,
5. Masroor S/o Maksood,
   All resident of Mohalla Mahigran, P.s. Jawalpur,
   District Haridwar. ---Petitioners.

Vs.

1. State of Uttaranchal through,
   Senior Superintendent of Police,
   Haridwar, District Haridwar,
2. Station Officer, Police Station, Jawalpur,
   District Haridwar,
3. Sahnazar S/o Ismail,
   R/o Mohalla Kaithwara,
   P.S. Jawalpur, District Haridwar. ---Respondents.

Sri Parikshit Saini, learned counsel for the petitioners.
Learned A.G.A. for the respondents.

Coram:- Hon'ble M.M. Ghildiyal, J.
Hon'ble B.S. Verma, J.

P.C.:-

By way of this writ petition, a writ of certiorari has been sought for quashing of the impugned first information report lodged in case crime no. 275A/2006 u/s 147,148,452,323,504, 506 I.P.C. at the police station Jwalapur, district Haridwar.

2. Brief facts of the case are that a first information report was lodged by respondent no. 3 against the petitioners u/s 147,148,452,323,504, 506 I.P.C. alleging therein that the petitioners voluntarily committed riot by assembling altogether and at that time they were armed with deadly weapons,

committed house-trespass for assaulting, caused hurt, gave provocation by hurling abuses, committed criminal intimidation.

3. Heard Sri Parikshit Saini, learned counsel for the petitioners and learned Assistant Govt. Advocate for the respondents and perused the record.

4. We are of the opinion that a prima-facie case, on the basis of the allegations made in the F.I.R., is made out against the petitioners at this stage.

5. We are not inclined to interfere with the investigation, as the evidence is still incomplete.

6. The writ petition lacks merit and is liable to be dismissed in limine.

7. However, in case if the petitioners apply for bail, the Court below shall consider the same as expeditiously as possible. With these observations, the writ petition is dismissed.

(B.S. Verma, J.) **(M.M. Ghildiyal, J.)**

July 26, 2006:
NCM: